



City of Rockville

MEMORANDUM

March 16, 2015

TO: Mayor and Council

FROM: Planning Commission

SUBJECT: Planning Commission Recommendation on Zoning Text Amendment Application TXT2015-00242, Nancy Regelin for 1900 Chapman Project Owner LLC, applicant

At its meeting on March 11, 2015 the Planning Commission reviewed and discussed Text Amendment Application TXT2015-00242. The Commission received a presentation from the Planning and Zoning Division staff on the proposed text amendment and from the attorney representing the applicant. There were no other speakers at the meeting.

The proposed amendment would insert language into Article 7 of the Zoning Ordinance that would establish a formal procedure for the tolling of approved development applications for the time they are subject to an administrative appeal to the courts. The text amendment also proposes to revise the length of the extension period for site plans from six months each to one year each.

The Commission is supportive of the intent of the text amendment with regard to the tolling provision. Suspending the validity period during the litigation period is a reasonable action.

The Commission is more divided on the matter of revising the extension periods from six months to one year. Commissioner Tyner noted that this topic was the subject of much discussion among the RORZOR Committee members during the zoning ordinance revision process. The decision to reduce the period from one year to six months was in part intended to encourage applicants to move forward with their projects and not let them linger at the expense of other developments. Commissioner Hill is concerned that the longer extension times could have an adverse impact on other projects that may be held up for lack of adequate public facilities. Such projects might have an additional year to wait before the capacity reserved by the approved project becomes available. Commissioners Hill and Leiderman prefer to retain the existing six months' extensions.

After considerable discussion, the Commission determined that some additional extension period is warranted. Therefore the Commission decided to recommend that the extension periods be

revised to allow for up to a one year extension for the first request and a six month extension for the second request. This is with the understanding that the Commission has the flexibility to allow the extensions for up to the maximum time allowed depending on the particular circumstances of each request.

Therefore, on a motion by Commissioner Hadley, seconded by Commissioner Hill, and with Commissioners Hadley, Littlefield, Tyner and Goodman voting in favor of the motion and with Commissioners Leiderman and Hill voting against the motion, and with one absent, the Commission recommends that zoning text amendment TXT2015-00242 be approved with the revisions proposed by the staff and with the additional revision that Section 25.07.06.b be revised to allow for up to one, one year and one six months extensions.